



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

June 26, 1998

Mr. Stephen R. Alcorn  
Assistant City Attorney  
City of Grand Prairie  
P.O. Box 534045  
Grand Prairie, Texas 75053-4045

OR98-1555

Dear Mr. Alcorn:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 116599.

The City of Grand Prairie (the "city") received an open records request from two individuals for various categories of information in connection with a gas line explosion. Although you suggest that the requested records might be excepted from required public disclosure pursuant to section 552.103 of the Government Code<sup>1</sup>, your primary concern seems focused on the broad nature of some of the requests.

A request for records made pursuant to the Open Records Act may not be disregarded simply because a citizen does not specify the exact documents desired. When a requestor makes a vague request, the governmental body should make a good faith effort to advise the requestor of the type of documents available so that the requestor may narrow the request. *See* Open Records Decision No. 87 (1975). Similarly, when a request is overly broad, the governmental body may consult with the requestor in an attempt to narrow the scope of the request. In this instance, the requestors have identified a particular area of the city regarding which they seek records created within a specified time frame. This office does not consider the request as being vague, and although some of the requests are broad, they are not so overly broad so as to not inform the city of the records being requested.

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<sup>1</sup>Although you inform us that some of the records at issue may pertain to pending criminal investigations, you did not raise the "law enforcement exception," section 552.108 of the Government Code, within the ten business days following the city's receipt of the open records request. We therefore do not consider the applicability of this exception to records at issue. *See* Gov't Code §§ 552.301(a), 552.302. *See also* Open Records Decision No. 515 (1989) at 6.

We now address the applicability of section 552.103 to the records at issue. To secure the protection of section 552.103, a governmental body must demonstrate that the requested information relates to pending or reasonably anticipated litigation to which the governmental body is a party. Open Records Decision No. 588 (1991) at 1. The mere chance of litigation will not trigger section 552.103(a). Open Records Decision No. 452 (1986) at 4 and authorities cited therein. To demonstrate that litigation is reasonably anticipated, the governmental body must furnish evidence that litigation involving a specific matter is realistically contemplated and is more than mere conjecture. *Id.*

You inform this office that although the city has received a notice of claim from the requestors in connection with the gas line explosion, one of the requestors has orally advised you that litigation against the city is not anticipated. Apparently as a result of this conversation with the requestor, you have released, and continue to release, other information that is responsive to the request. Based on the facts, as you have presented them to us, we do not believe that section 552.103 is applicable in this instance at this time. The city therefore must release the requested information.<sup>2</sup>

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read "Sam Haddad". The signature is fluid and cursive, with a large loop at the beginning.

Sam Haddad  
Assistant Attorney General  
Open Records Division

SH/RWP/rho

Ref.: ID# 116599

Enclosures: Submitted documents

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<sup>2</sup>Of course, given the broad nature of some of the requests, the city may require the requestors to post a deposit or bond for payment of the anticipated costs of the records if the estimated charge exceeds \$100. Gov't Code § 552.263(a). See also Gov't Code § 552.262(a) (establishing cost of copies).

cc: Mr. Daniel J. Smith  
Law Offices of Smith & Clark  
214 S.W. 4<sup>th</sup> St.  
Grand Prairie, Texas 75051  
(w/o enclosures)